



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

JOHN J. BISAHA ET. AL.

CASE NO.: BA9301USPCT

APPLICATION NO.: 10/501258

FILED: FEBRUARY 20, 2003

GROUP ART UNIT: 1625

EXAMINER: P.L. MORRIS

FOR: BICYCLIC FUSED PYRIDINYL AMIDES AND ADVANTAGEOUS  
COMPOSITIONS THEREOF FOR USE AS FUNGICIDES

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

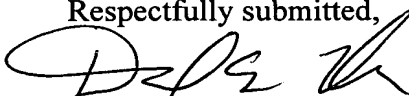
This response relates to an Office Action for the above-referenced application dated September 26, 2005. In the Office Action restriction was required between Group I (instances wherein X and either Y or Z form a quinoline); Group II (instances wherein X and either Y or Z form an isoquinoline); Group III (any compound not set forth in Group I or Group II); and Group IV (Claims 12-14, drawn to compositions containing an additional active ingredient). The Office Action also suggested that Claim 17 is drawn to non-statutory subject matter and cannot be grouped at this time.

Applicants hereby elect Group II (instances where X and either Y or Z form, along with the ring to which are attached, an isoquinoline).

Nevertheless, Applicants respectfully request reconsideration of the restriction requirement. Applicants note that the Office Action maintains inter alia that the compounds defined in the claims lack a significant structural element qualifying as the special technical feature that defines a contribution over the prior art; and that the compounds claimed contain a pyridine group, which does not define a contribution over the prior art. Applicant submits that the present claims relate to compounds that have both a significant structural element which is shared by the compounds (not just a pyridine group, but two nitrogen-containing rings that are connected by a specific three-atom bridge) and a common property (fungicidal activity). Accordingly, Applicants submit that unity of invention can be recognized. Applicants further note in this regard Examples 18 through 21 of Part 2, ANNEX B, UNITY OF INVENTION, PCT Administrative Instructions as included in the MPEP; as well as the IPER which did not indicate lack of unity of invention.

The Office Action suggested that Claims 1-11, 15 and 16 will be examined to the extent readable on the elected compounds. Applicants respectfully request that Claims 12-14 be either examined as well, as a use of the compounds, or rejoined after allowance of any compound claims as a use of the compound of such allowed claims.

Respectfully submitted,



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